

### **Remarks**

In the Office Action of January 4, 2010, claims 1-3, 5-9 and 11 are rejected, and the specification is objected to. By this amendment, claims 1 and 6 have been amended, and claims 1-3, 5-9 and 11 remain pending. An abstract is also provided on a separate sheet of this submission. No new matter has been added. In view of the amendments and the following remarks, reconsideration of the above-identified application is respectfully requested.

### **Objection to the Specification**

The Examiner has objected to the specification because the Abstract was not provided on a separate sheet.

Applicant has attached a copy of the Abstract on a separate sheet (page 5 of this submission). No new matter has been added. It is requested that the objection to the specification be withdrawn.

### **Claim Rejection under 35 U.S.C. §103(a)**

Claims 1-3, 5-9 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Young et al. (US Patent 5,809,204, hereinafter "Young") and further in view of Takinami (US 2004/0,013,402, hereinafter "Takinami").

Young discloses a user interface for a television program guide, which can be used to facilitate operation of a recording device (e.g., col. 1, lines 13-25).

Applicant's invention provides a method and system that allow different streams of multimedia content from different channels to be stored, without deleting previously stored data from a data buffer upon a channel change (as would happen in prior art systems).

Independent claims 1 and 6 have been amended to clarify that the data is stored in a digital data store. This is supported by the original specification, which states that the invention relates to digital video recording (e.g., p.1, lines 11-12 and 17-18). No new matter has been added.

As explained below, one or more features of the present invention are simply not taught or addressed by Young, which is directed towards a completely different problem than the present invention is intended to solve. Furthermore, the combination of Young and Takinami does not cure the deficiency in Young.

The recorder in Young is a tape recorder, as shown in Figs. 22A-B. Specifically, Young's video cassette recorder (VCR) records content to an analog tape, and functions differently from the digital data store in Applicant's claimed invention.

Examiner acknowledged that Young fails to teach receiving a channel change request during storing of the first stream. Thus, Takinami's paragraph 8 was relied on for teaching receiving a channel change request during storing of the first stream.

Applicants submit that not only does Young not teach "receiving a channel change request during said storing of the first stream," Young also does not teach "storing the second stream of multimedia content to the data store while retaining the first stream of multimedia content in the digital data store;" as provided in Applicant's claim 1 and claim 6.

Takinami relates to video recording and reproducing apparatus having a muting means to mute video signals at the time of channel switching. By muting the video signals, unnecessary video signals are not recorded, and allows smooth video pictures to be reproduced without distortions (e.g., para. 9-12).

Even if Takinami teaches receiving a channel change request during storing of a first stream, as stated in the Office Action, there is no showing that Takinami teaches storing a second stream of content while retaining the first stream of multimedia content in the digital data store, as provided in Applicant's claim 1 and claim 6.

As such, Takinami does not cure the deficiency in Young, and Applicant's claim 1 and claim 6 are not obvious over the combined teaching of Young and Takinami.

Claims 2-3 and 5 depend from claim 1, and claims 7-9 and 11 depend from claim 6. For the same reasons set forth above, these claims are also patentable over the cited references.

Furthermore, as mentioned in Applicant's response of Sept. 14, 2009, contrary to the Examiner's assertion, the subject matter of claims 3 and 8 are also not shown by Young. Specifically, claims 3 and 8 each recites assigning an identifier to the first and second multimedia streams so as to identify the channel from which they are recorded.

In Young, it is the program guide that identifies the channel from which recording is to be done. However, there is no mention or suggestion in Young that any identifier be assigned to a recorded stream for identifying the channel from which it is recorded, or that such an identifier is embedded or otherwise recorded on the video tape. Although Figure 1 shows an example of a

program guide with different channels and corresponding programming, there is no such channel “identifier” assigned to a recording as set forth in claims 3 and 8. Since there is no showing that Takinami teaches these features missing in Young, claims 3 and 8 are also patentable over Young and Takinami for this additional reason.

Reconsideration and withdrawal of the rejection is respectfully requested.

### **Conclusion**

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the current Office Action be withdrawn, and that pending claims 1-3, 5-9 and 11 be allowed.

If there are any remaining unresolved issues, the Examiner is invited to contact the Applicant's attorney at (609) 734-6834, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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